

The U.S. Army Faces a Moral And Constitutional Dilemma

by Carl Osgood

Nov. 18—In the 1920s, Maj. Gen. Fox Connor, who had served on the staff of American Expeditionary Force Commander Gen. John J. Pershing during World War I, and who understood that fighting with allies can be more difficult than fighting an enemy, inculcated in the officers that he trained after the war, including future generals George C. Marshall and Dwight D. Eisenhower, that a country should never fight unless it has to, never fight alone, and never fight for long. Connor also recognized, as did Marshall, later, that the military, answerable to an elected civilian government, would have to rely for its strength on a conscripted army of citizen-soldiers. In fact, during several points in his career prior to World War II, Marshall was involved in both the training of National Guard soldiers, and in running a Civilian Conservation Corps camp during the Great Depression. He considered both experiences valuable for his later responsibilities in building a strong relationship between the Army and the civilian population, a relationship which proved crucial during the national mobilization for the war that followed.

The conduct of World War II by the U.S. reflected Connor's aphorism. We had to fight to defeat German Nazism, Italian Fascism, and Japanese imperialism, and Marshall, from his position as Army Chief of Staff, worked to insure that we didn't fight alone and that we didn't fight for long. The U.S. has long since abandoned these admirable, republican principles, however. The U.S. now routinely fights unnecessary wars of occupation, of indefinite duration, with ill-defined—if defined at all—objectives and ends.

The all-volunteer force also means that the civilian population at-large is disengaged from these wars in a way that has no precedent in American history, leading some to charge that the U.S. has created a military caste, apart from the rest of society. While recruitment

has recently been boosted by the economic crisis, five years ago, the Army had lowered its recruiting standards in order to meet the manpower demands of the wars in Iraq and Afghanistan. Periodic reports of gang members joining the military, including the FBI's 2006 National Gang Intelligence report, suggest one of the consequences of having an all-volunteer force.

Wave of Mental-Health Issues

Another result of the long-war policy has been the vast, highly publicized wave of mental-health issues among military personnel, as indicated by rising rates of suicides, PTSD (post-traumatic stress disorder), and other mental illnesses. Related to that, is the collapse of discipline and professionalism that has resulted in crimes such as the "kill team," now under investigation at Fort Lewis, Wash., in which five soldiers are alleged to have killed Afghan civilians just for "fun." An earlier, even more infamous incident was the torture scandal at the Abu Ghraib prison in Iraq in 2004.

While the Army is not on the verge of a complete collapse, such as that which occurred in the late stages of the Vietnam War, 40 years of ignoring Fox Connor's dictum, in parallel with a cultural degeneration that began with the 1960s counterculture, has severely degraded it.

As an institution, the Army has responded to this situation in a variety of ways. It has adopted British colonial-style counterinsurgency doctrine in warfighting, which ensures many more years of combat, and lowers the threshold of military intervention. It has attempted to grapple with the mental-health issues, but with limited success. And, mostly recently, it has triggered an internal dialogue on the nature of the profession of arms, how to reinvigorate its professional standards, and how professional behavior can be developed among



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Maj. Gen. Fox Connor warned, following World War I, that a nation should never fight unless it has to, never fight alone, and never fight for long. That excellent advice has, tragically, been ignored in recent years.

Army personnel from the time they enter basic training.

Unconstitutional Wars

This dialogue appears to have an implied limitation on it, however, which was in evidence at the Oct. 25-27 annual conference of the Association of the U.S. Army (AUSA) in Washington, D.C. The Army appears to be willing to examine its procedures and methods, but is skirting the screw-up factors that get injected from the outside, primarily from the civilian leadership which makes the decisions on whether or not to go to war, against whom, and on what basis.

The problem is that the last time the U.S.A. went to war based on Constitutional principles was on Dec. 8, 1941. Every war the U.S. has engaged in since, therefore, has been unconstitutional. The resolutions that Congress has passed in many of those cases do not rise to the constitutional level of a Declaration of War; moreover, they have often been the product of political corruption.

Take the case of the Tonkin Gulf Resolution of 1964. The Anglophile faction in the Johnson Administration,

viz., Defense Secretary Robert McNamara, stampeded the President and Congress into passing that resolution by lying about the incident in the Gulf of Tonkin involving a pair of U.S. Navy destroyers and North Vietnamese torpedo boats. That lie laid the basis for the ten years of war that followed, a war that had a deeply destructive effect on the Army, in particular, and the military services, in general. Similarly, in 2002, the George W. Bush Administration grossly inflated the alleged threat from Iraq in demanding that the Congress pass a resolution giving it the authority to invade that country, at a time of its own choosing.

This is the real dilemma that the Army faces. Every time the U.S. enters into a

war in an unconstitutional manner, it has implications for the military services. Ironically, Lt. Gen. Robert Caslen, the commander of the Army's Combined Arms Center at Fort Leavenworth, Kan., noted during a panel presentation on Oct. 26, at the AUSA conference, that Army officers swear allegiance to the U.S. Constitution, not to the President, or any other individual, such as the chairman of the Joint Chiefs of Staff. "We swear allegiance to the Constitution, to support and defend the Constitution," he said. "It's in that Constitution that you find within it the relationship between the civil and the military and the authority that exists between the two of them."

It is through that relationship that the Army serves the American people. "When we swear allegiance to the Constitution," Caslen said, "it's in that allegiance that we find that particular relationship, and what's critically important is the fact that we are the servants of the American people." Left unstated, but implied by Caslen, is that that relationship is mediated by the elected officials under the Constitution, that is, the President and the Congress.

So, what if the President orders the military forces

of the United States to act in violation of their oath to the Constitution, such as by launching a military attack without a Congressional Declaration of War, or to violate treaties that have been signed and ratified by the United States? What is the responsibility of the members of the profession of arms if they are asked to do something, by their client, that is morally and ethically wrong?

Caslen replied that when an order is given, the soldier expects it to be carried out, “as long as it’s moral and ethical.” And if it’s not? “Then the obligation and responsibility of the soldier is to re-address the situation and the issue with the person giving the order.” There are different ways to address that, he said, such as by asking “Do you understand what some of the potential consequences could be” of that order? It ultimately comes down to a command climate which allows a subordinate to ask those types of questions, he said.

The Corruption That Led to Abu Ghraib

The Abu Ghraib torture scandal of 2004, which is the most widely known of the problems that have emerged from the recent wars, is one of the focal points of the Army dialogue. Caslen called it the result of “the degradation of leadership at the junior levels” of the Army.

However, the scandal was not the product of a rogue group of junior soldiers. In fact, it was the product of decisions, guidelines, and directives that began at the level of the Bush White House, driven by Vice President Dick Cheney and Defense Secretary Donald Rumsfeld. The process began with the determination, soon after 9/11, that detainees captured in the so-called War on Terror were not subject to the protections of the Geneva Conventions, which prohibit torture and other forms of mistreatment by an occupying force.

This was followed by a Jan. 25, 2002 memo, over the name of then-White House Counsel Alberto Gonzales, laying out a strategy for Bush Administration officials to avoid prosecution under the War Crimes Act for violations of the Geneva Conventions, a de facto admission that the Administration had ordered, or was about to order, the commission of war crimes.

After the U.S. invaded Iraq in March of 2003, the invading forces took with them the ambiguities about the Geneva Conventions that had been created by the White House. The final step leading to the torture



One result of the long-war policy, is the severe degradation of morale among the U.S. military, as evidenced in the rising rates of suicide, and criminal activities, including the horrendous torture of prisoners at Abu Ghraib, in 2004 (shown here).

scandal was the importation of “enhanced” interrogation practices adopted at the military prison at the Guantanamo Naval base in Cuba, to the prison at Abu Ghraib in Iraq, in September 2003. The poisoning of the chain of command by this process led directly to the misconduct of a small group of military police, which exploded onto the world stage the following April.

That misconduct was disastrous for American forces in Iraq. Maj. Gen. Robert Brown, who served as a deputy division commander in Iraq under Caslen, declared during the same panel discussion “I’m positive I lost soldiers because others [the soldiers at Abu Ghraib] didn’t maintain ethical standards.” This is undoubtedly true. The images of Iraqis being humiliated and tortured at Abu Ghraib became a highly effective recruiting tool for insurgent groups fighting the American occupation. But the Army is not openly acknowl-

edging the screw-up factor in this case that originated at the very top of the chain of command.

An example is an article in the September issue of *Military Review*, the Army's professional journal. The article is entitled "At What Cost Intelligence? A Case Study of the Consequences of Ethical (and Unethical) Leadership." Maj. Douglas Pryer, an intelligence officer, contrasts the interrogation at Abu Ghraib with that of the 1st Armored Division, under the command of then-Brig.-Gen. Martin Dempsey (who has since been elevated to four stars, and is now the commander of U.S. Army Training and Doctrine Command). According to Pryer, intelligence officers assigned to the 1st AD refused to employ the "enhanced" interrogation techniques that had been authorized by Lt. Gen. Ricardo Sanchez, the senior U.S. commander in Iraq. As a result, no scandals emerged from the detention facilities operated by the 1st AD.

In contrast, the attitude toward detainees within Sanchez's command, designated Combined Joint Task Force 7 (CJTF-7), was that detainees had to be "broken." "Casualties are mounting, and we need to start gathering info to help protect our fellow soldiers from any further attacks," wrote one CJTF-7 intelligence officer, in an August 2003 e-mail. This attitude was not limited to the Abu Ghraib prison, but also spread to detainee facilities in Anbar province and Tikrit. All this led to what Pryer correctly describes as a "strategic defeat" for the U.S. in Iraq.

However, Pryer does not directly address the process of contamination of the chain of command that began at the White House soon after 9/11. His analysis goes no higher than the level of Sanchez. Yet, a caption accompanying a photograph of Rumsfeld touring the Guantanamo facility on Jan. 27, 2002 reports that "Twelve days earlier, Rumsfeld had signed a memo that stated that commanders need not treat certain detainees in accordance with the Geneva Conventions in the event of 'military necessity.'" Because he goes no higher than the level of Sanchez, Pryer does not provide an analysis of how Rumsfeld's directive led to the abuses at Abu Ghraib and other U.S.-run detention facilities in Iraq.

Another article, on moral disengagement, in the same issue of *Military Review*, offers similar types of evidence that the Army really is aware of what has happened to it. This article notes that individuals on trial or in prison for war crimes will often restructure guidelines in their own defense. "But a more telling

(and a more dangerous practice) has been the general public's seeming desire to disengage their own standards on behalf of those acting as their agents."

The authors then identify the double standard often applied by the U.S. media when describing crimes committed by American soldiers, which are often distorted, versus those committed by soldiers of other countries, where language such as "atrocities" and "murder" are often used. "The stark contrast in the way we apply our moral standards to others compared to ourselves is obvious," the authors write. "In other words, we (as a nation) often engage in moral disengagement in an attempt to excuse the behavior of those acting on our behalf." The authors, both assistant professors with the Center for the Army Profession and Ethics at West Point, come closer to the required analysis, but otherwise act as if the conduct of U.S. soldiers in combat can be disconnected from the immoral character of the administration that sent them to war in the first place.

A Positive Mission for the Military

In 2000, Lyndon LaRouche defined what the positive mission for the U.S. military must be, and who the enemies of our republic actually are. "The function of strategy and strategic thinking is to secure the kind of world order which we require, as a result of commitments which were shaped, essentially, in the 15th-Century Golden Renaissance," he said.

"That is, we are for a system of sovereign nation-states, each committed to the general welfare of all its people and their posterity, and who believe that the relations among such states must be joint action to ensure the common ability of each such state to efficiently defend the general welfare of its own people." The military officer, functioning as a strategist, "is not trying to find out what war to fight. He's trying to understand what the *threat is, to the effort to defend and build this kind of state and this kind of relationship among states.*"

LaRouche went on to specify that the enemy of the general welfare is the British monarchy, the British Empire, which wants to exterminate this general welfare principle, but without taking an unacceptable penalty to do so. "And therefore," LaRouche said, "we have to have the military means to back up our will, in terms of this policy. And that's Classical strategy...."

The U.S. Army would do well to reconsider its mission from this standpoint.